

REMARKS

The above amendments are made in response to the Office action of October 14, 2010. The Examiner's reconsideration is respectfully requested in view of the above amendment and the following remarks.

Claims 1-34 are pending, while claims 17-19, 25, 26 and 28-31 have been rejected. Applicants respectfully note that claim 34 as originally filed was inadvertently omitted in the previous Office action response, but is shown above in the present Office action response.

Applicants gratefully acknowledge that claims 1-16 are allowed and that claims 20-24, 27 and 32-34 would be allowable but for their dependence on rejected base claims.

Claims 17, 21 and 24 have been amended and claim 20 has been canceled, leaving claims 1-19 and 21-34 for further consideration in the present application. Support for the amendments to independent claim 17 may be found at least in original claim 20 of the application as filed. Claims 21 and 24 have been amended to provide proper claim dependency based on cancelling claim 20. No new matter has been added.

Claim Rejections Under 35 U.S.C. § 102

In order to anticipate a claim under 35 U.S.C. §102, a single source must contain all of the elements of the claim. *Lewmar Marine v. Barient, Inc.*, 827 F.2d 744, 747, 3 U.S.P.Q.2d 1766, 1768 (Fed. Cir. 1987), *cert denied*, 484 U.S. 1007 (1988). Moreover, the single source must disclose all of the claimed elements "arranged as in the claim." *Structural Rubber Prods. Co. v. Park Rubber Co.*, 749 F.2d 707, 716, 223 U.S.P.Q. 1264, 1274 (Fed. Cir. 1984). Missing elements may not be supplied by the knowledge of one skilled in the art or the disclosure of another reference. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 780, 227 U.S.P.Q. 773, 777 (Fed. Cir. 1985).

Claims 17-19 and 26 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Ben-David et al. (U.S. Patent Application Publication No. 2008/0192178, hereinafter "Ben-David"). The Examiner states that Ben-David (i.e., FIG. 12) discloses all of the elements of the abovementioned claims on pages 2 and 3 of the Detailed Action.

Claim 17 has been amended to include the allowable subject matter of claim 20, which is hereby canceled.

Accordingly, claim 17, including claims depending therefrom, i.e., claims 18, 19 and 21-34, admittedly define over Ben-David.

Accordingly, Applicants respectfully request that the Examiner withdraw his rejections and allow claims 17-19 and 26 under 35 U.S.C. §102(e).

Rejections Under 35 U.S.C. § 103

In order for an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art; that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references; and that the proposed modification of the prior art must have had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996). See MPEP 2143.

Claim 25 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Ben-David in view of Elliott (U.S. Patent Application Publication No. 2005/0088385, hereinafter, "Elliott"). The Examiner states that Ben-David teaches all the limitations of the abovementioned claim except for, the teaching primary color subpixels including a white subpixel, which the Examiner alleges is disclosed primarily in paragraphs 84-85 of Elliott.

Claims 28-31 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Ben-David and Elliot, and further in view of Taketo et al. (JP No. 9-251160, hereinafter, "Taketo"). The Examiner states that Ben-David and Elliot teach all the limitations of the abovementioned claim except for, the teaching sub-pixels are arranged in a 2X3 or 3X2 matrix and the first and the second sets of the three primary color sub-pixels are arranged in row or column, with the blue subpixel disposed on the side and the green subpixel

disposed at the center, which the Examiner alleges is disclosed primarily in the abstract, paragraphs 31-35 and FIG. 1 of Taketo.

First, it is respectfully noted that independent claim 17, from which claims 25 and 28-31 depend from, is submitted as being allowable for defining over Ben-David as discussed above.

Second, it is respectfully submitted that use of the primary color subpixels including a white subpixel allegedly disclosed in Elliott, or any other disclosure of Elliott, does not cure the deficiencies of Taketo with respect to amended independent claim 17.

Likewise, it is respectfully submitted that use of sub-pixels are arranged in a 2X3 or 3X2 matrix and the first and the second sets of the three primary color sub-pixels are arranged in row or column, with the blue subpixel disposed on the side and the green subpixel disposed at the center allegedly disclosed in Taketo, or any other disclosure of Taketo, does not cure the deficiencies of Ben-David in view of Elliot with respect to amended independent claim 17.

Accordingly, Applicants respectfully request that the Examiner withdraw his rejections using Ben-David, Elliot and Taketo as references and allow claims 25 and 28-31 under 35 U.S.C. §103(a).

Claims 17 and 25 stand rejected under the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,888,604. The Examiner states that although the conflicting claims are not identical, they are not patentable distinct from each other because the same subpixel pattern underlays them as is evident by comparing Figures 6 and 7 of the instant application with Figures 23 and 24 of U.S. Patent No. 6,888,604.

As discussed above, claim 17, from which claim 25 depends, has been amended to include the allowable subject matter of claim 20 as indicated by the Examiner on page 6 of the Detailed Action.

Accordingly, Applicants respectfully request that the Examiner withdraw his rejections using U.S. Patent No. 6,888,604 as a reference and allow claims 17 and 25 under the ground of nonstatutory obviousness-type double patenting.

Conclusion

All of the rejections are respectfully submitted as herein overcome. In view of the foregoing, it is respectfully submitted that the instant application is in condition for allowance. No new matter is added by way of the present Amendments and Remarks, as support is found throughout the original filed specification, claims and drawings. Prompt issuance of Notice of Allowance is respectfully requested.

The Examiner is invited to contact Applicants' representatives at the below listed phone number regarding this response or otherwise concerning the present application.

Applicants hereby petition for any necessary extension of time required under 37 C.F.R. 1.136(a) or 1.136(b) which may be required for entry and consideration of the present Reply.

If there are any charges due with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicants' attorneys.

Respectfully submitted,

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